

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

DICKSON INDUSTRIES, INC., an	)	
Oklahoma corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-02-467-HE
	)	
PATENT ENFORCEMENT TEAM, L.L.C., a	)	
Florida limited liability company,	)	
	)	
Defendant.	)	
	)	
v.	)	
	)	
MIDSTATE TRAFFIC CONTROLS, INC., an	)	
Oklahoma corporation; and SAWHORSE	)	
INVESTMENTS, L.L.C., an Oklahoma limited	)	
liability company,	)	
	)	
Third-Party Defendants.	)	

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
REGARDING INVALIDITY FOR OBVIOUSNESS

The plaintiff, Dickson Industries, Inc. ("Dickson"), submits the following motion for partial summary judgment. The pleadings on file, attached affidavits and other evidence of prior art, this Court's October 13, 2006 Order on the *Markman* hearing regarding claim construction of U.S. Patent No. 4,701,069 (the '069 Patent) and the attached brief, all of which are incorporated herein, establish there is no genuine issue of material fact on invalidity for obviousness. Accordingly, Dickson moves the Court for judgment that Claim 5 of the '069 Patent is invalid for obviousness under 35 U.S.C. § 103 and that judgment on Defendant's claims against Dickson be entered in favor of Dickson. A separate brief in support is being filed contemporaneously herewith.

Respectfully submitted,

s/ John A. Kenney

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of June, 2007, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants for this case:

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